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of all others similarly situated

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LOUISE CLARK, an individual and on behalf of all others similarly situated,

CASE NO. '14CV1404 JLS WVG

CLASS ACTION

COMPLAINT FOR:

- (1) VIOLATION OF CONSUMERS
LEGAL REMEDIES ACT
(CALIFORNIA CIVIL CODE
SECTION 1750 ET SEQ.);
 - (2) VIOLATION OF BUSINESS &
PROFESSIONS CODE
SECTIONS 17200 *ET SEQ.*
(CALIFORNIA UNFAIR
COMPETITION LAW); AND
 - (3) VIOLATION OF BUSINESS &
PROFESSIONS CODE
SECTION 17533.7
(CALIFORNIA FALSE “MADE
IN USA” CLAIM).

**DEMAND FOR JURY TRIAL
[FRCP 38]**

1 COMES NOW, plaintiff LOUISE CLARK (“Plaintiff”), as an individual and
 2 on behalf of the general public and all others similarly situated, by her undersigned
 3 attorneys, alleges as follows:

4 **NATURE OF THE CASE**

5 1. This is a putative class action case brought on behalf of all purchasers
 6 of “Made in the U.S.A.” labeled apparel products manufactured, distributed,
 7 marketed, and/or sold by defendants Citizens of Humanity, LLC (“COH”) in
 8 California. The unlawfully labeled COH apparel products are sold in various
 9 stores in California, including Macy’s, Inc. (“Macy’s”).¹ COH, Macy’s, and the
 10 DOE defendants are collectively hereinafter referred to as the “Defendants.”
 11 Through an unlawful, deceptive and unfair course of conduct, Defendants
 12 manufactured, marketed, and/or sold to California consumers a variety of COH
 13 apparel products with the false designation and representation that the COH
 14 apparel was “Made in the U.S.A.”

15 2. As stated by the California Supreme Court in *Kwikset v. Superior*
 16 *Court* (January 27, 2011) 51 Cal.4th 310, 328-29:

17 **Simply stated: labels matter.** The marketing industry is
 18 based on the premise that labels matter, that consumers
 19 will choose one product over another similar product
 20 based on its label and various tangible and intangible
 21 qualities they may come to associate with a particular
 22 source. . . . In particular, to some consumers, the “Made
 23 in U.S.A.” label matters. A range of motivations may fuel
 24 this preference, from the desire to support domestic jobs,
 25 to beliefs about quality, to concerns about overseas
 26 environmental or labor conditions, to simple patriotism.
 The Legislature has recognized the materiality of this
 representation by specifically outlawing deceptive and
 fraudulent “Made in America” representations. (§17533.7;

27 ¹ Plaintiff purchased the mislabeled COH apparel product, which in part is the
 28 subject matter of this lawsuit, from a San Diego Macy’s store.

1 see also Civ.Code, §1770, subd. (a)(4) [prohibiting
 2 deceptive representations of geographic origin].) The
 3 object of section 17533.7 “is to protect consumers from
 4 being misled when they purchase products in the belief
 5 that they are advancing the interests of the United States
 6 and its industries and workers . . .”

7 3. The “Made in the U.S.A.” claim is prominently printed on the apparel
 8 products themselves.² The offending apparel products, however, are substantially
 9 made, manufactured, or produced from component parts that are manufactured
outside of the United States in violation of California law and/or federal law.

10 4. On information and belief, major components of the apparel products,
 11 including but not limited to the fabric, thread, buttons, subcomponents of the
 12 zipper assembly, and/or rivets are manufactured *outside of the United States*.

PARTIES

13 5. Plaintiff is an individual residing in San Diego, California.

14 6. Defendant Citizens of Humanity, LLC is a limited liability company
 15 that is organized and exists under the laws of the State of Delaware. COH may be
 16 served with process in this matter by serving its registered agent for service of
 17 process as follows: National Registered Agents, Inc., 2875 Michelle Drive, Irvine,
 18 CA 92606.

19 7. COH is a leading designer and manufacturer of denim jeans products.
 20 On information and belief, COH designs, markets, and produces more than
 21 one million pairs of jeans annually. COH is distributed in over 1,300
 22 retailers in more than 35 countries including high-end specialty
 23 boutiques such as Curve, Fred Segal, Scoop, Madison, and
 24 Anthropologie; online at Shopbop.com and MyTheresa.com; as well as in

25
 26
 27 ² Plaintiff intends to seek class wide relief on behalf of all California
 28 purchasers of any COH apparel product labeled as “Made in the U.S.A.” that
 incorporated foreign-made component parts (in violation of California and/or
 federal law) and not just the specific brand of jeans purchased by Plaintiff.

1 luxury department stores Barneys New York, Bergdorf Goodman,
2 Neiman Marcus and Bloomingdale's. One of the products COH manufacturers
3 and sells in California (either directly or through California retailers) is the
4 "BOYFRIEND" brand of jeans purchased by Plaintiff at a San Diego Macy's store on
5 or about May 31, 2014.

6 8. Defendant Macy's, Inc. (hereinafter "Macy's") is a Delaware
7 corporation doing business under and by virtue of the laws of the State of
8 California. Macy's principal place of business is 7 West Seventh Street,
9 Cincinnati, OH 45202. Macy's may be served with process in this matter by
10 serving its registered agent for service of process at: Corporation Service
11 Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

12 9. Macy's is a high-end fashion retailer that offers apparel, shoes,
13 cosmetics, and accessories for women, men, and children in the United States.

14 10. Plaintiff is ignorant of the true names and capacities of the defendants
15 sued herein as DOES 1-100, inclusive; therefore, Plaintiff sues these defendants by
16 such fictitious names. Plaintiff is informed and believes that each of the fictitious
17 named defendants are legally responsible in some manner for the occurrences
18 herein alleged, assisted in and about the wrongs complained herein by providing
19 financial support, advice, resources, or other assistance. Plaintiff will amend the
20 complaint to allege their true names and capacities when ascertained.

21 11. Plaintiff is informed and believes that all defendants were agents,
22 servants, and employees of their co-defendants, and in doing the things hereinafter
23 mentioned, were acting within the scope of their authority as such agents, servants,
24 and employees with the permission and consent of their co-defendants.

JURISDICTION AND VENUE

26 12. This Court has jurisdiction over this matter pursuant to CAFA because
27 the amount in controversy in this matter exceeds \$5,000,000.00 as to all Class

1 Members, inclusive of attorneys' fees and costs, and injunctive relief. 28 U.S.C.
2 Sections 1332(d), 1453, and 1711-1715.

3 13. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b)
4 and 1391(c) in that this is the judicial district in which a substantial part of the acts
5 and omissions giving rise to the claims occurred.

6 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

7 14. Plaintiff realleges and incorporates herein by reference all of the
8 allegations contained in Paragraphs 1 through 13, inclusive, of this complaint as
9 though fully set forth herein.

10 15. Defendants manufacture, market, and/or sell COH apparel products
11 that have printed on the product itself and the product packaging that the products
12 are "Made in the U.S.A."

13 16. Contrary to the representation, the COH apparel products are
14 substantially and/or partially made, manufactured, or produced with component
15 parts that are manufactured *outside of the United States*. Based upon information
16 and belief, the foreign component parts included in the BOYFRIEND jeans (and
17 presumably all other offending COH apparel products) are the fabric, thread,
18 buttons, and/or rivets. For other models of jeans, Plaintiff is informed and believes
19 that the fabric, thread, buttons, rivets, and/or certain subcomponents of the zipper
20 assembly are made outside of the United States as well.

21 17. Defendants market, and continue to market, and represent to the
22 general public that COH apparel products are "Made in the U.S.A." In addition,
23 Defendants fraudulently concealed the material facts at issue herein by failing to
24 disclose 100% of the truth to the California general public regarding the country of
25 origin of COH apparel products. The disclosure of this information was necessary
26 in order to make Defendants' representation not misleading. Defendants possess
27 superior knowledge of the true facts which were not disclosed, thereby tolling the
28 running of any applicable statute of limitations.

1 18. Consumers are particularly vulnerable to these deceptive and
2 fraudulent practices. Most consumers possess very limited knowledge of the
3 likelihood that products, including the component parts therein, claimed to be
4 made in the United States are in fact made in foreign countries. This is a material
5 factor in many individuals' purchasing decisions, as they believe they are
6 supporting American companies and American jobs.

7 19. Consumers generally believe that “Made in the U.S.A.” products are
8 of higher quality than their foreign-manufactured counterparts. Due to
9 Defendants’ scheme to defraud the market, members of the general public were
10 fraudulently induced to purchase Defendants’ products at inflated prices. On
11 information and belief, and during the entirety of the relevant four-year statutory
12 time period, Defendants charged excess monies for COH apparel products, in
13 comparison to their competitors, based on the false “Made in the U.S.A.”
14 designation. California and federal laws are designed to protect consumers from
15 this type of false representation and predatory conduct. Defendants’ scheme to
16 defraud consumers is ongoing and will victimize consumers each and every day
17 until altered by judicial intervention.

THE PLAINTIFF TRANSACTION

19 20. On or about May 31, 2014, Plaintiff purchased the BOYFRIEND brand
20 jeans at a Macy's store in San Diego. At the time of purchase, the product itself
21 was marked with a "Made in the U.S.A." country of origin designation when the
22 product actually contains component parts made outside of the United States.
23 Accordingly, Defendants are not entitled to lawfully make a "Made in the U.S.A."
24 representation on the product.

25 21. In each case when Plaintiff, and Class Members, purchased a Class
26 Product³, they relied upon Defendants' "Made in the U.S.A." representation in

³ The term "Class Products" is defined as any COH manufactured or labeled product that was sold in California during the past four years with a "Made in the U.S.A" or equivalent country of origin label but that incorporated foreign-made

1 their purchasing decision, which is typical of most U.S. consumers, and they were
2 deceived as a result of Defendants' actions. These purchasing decisions were
3 supported by the "Made in the U.S.A." representation made by Defendants, which
4 is absent from most of Defendants' competitors. Plaintiff believed at the time she
5 purchased the BOYFRIEND jeans that she was supporting U.S. jobs and the U.S.
6 economy.

7 22. Plaintiff suffered an "injury in fact" because Plaintiff's money was
8 taken by Defendants as a result of Defendants' false "Made in the U.S.A." claims
9 set forth on the BOYFRIEND jeans. Furthermore, she suffered an "injury in fact" by
10 paying for something she believed was genuinely manufactured in the USA, when
11 it was not.

12 23. U.S. made component parts are subject to strict regulatory
13 requirements, such as environmental, labor, and safety standards. Foreign made
14 component parts are not subject to the same U.S. manufacturing standards and are
15 often inherently of lower quality than their U.S. made counterparts. Foreign made
16 component parts are also routinely less reliable and durable than their U.S. made
17 counterparts. As such, the BOYFRIEND brand of jeans are of inferior quality due to
18 COH's decision to include foreign made component parts within.

19 24. As such, and on information and belief, the offending COH apparel
20 products, made with foreign-made component parts, are of inferior quality, less
21 reliable, and fail more often than if the product was truly made from 100%
22 American made component parts. Essentially, the BOYFRIEND brand of jeans are
23 not worth the purchase price paid. The precise amount of damages will be proven
24 at time of trial, in large part, by expert testimony.

25 25. Plaintiff and Class Members were undoubtedly injured as a result of
26 Defendants' false "Made in the U.S.A." representations that are at issue in this
27 litigation.

28 component parts.

CLASS ALLEGATIONS

26. Plaintiff realleges and incorporates herein by reference all of the allegations contained in Paragraphs 1 through 25, inclusive, of this complaint as though fully set forth herein.

27. Plaintiff brings this action, as set forth below, against Defendants, pursuant to Rules 23(a), 23(b)(1), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”), individually and on behalf of a class consisting of all persons in the United States who purchased one or more of Defendants’ COH apparel products during the relevant four-year statutory time period that bore a “Made in the U.S.A.” country of origin designation but that contained foreign-made component parts (the “Class”). Excluded from the Class are the Court and its employees; Defendants; any parent, subsidiary, or affiliate of Defendants; and all employees and directors who are or have been employed by Defendants during the relevant time period.

Definition of the Subclass

28. Subclass members are all of Defendants' California customers who purchased COH apparel products that were labeled as "MADE IN U.S.A. OF IMPORTED FABRIC" that contained foreign-made component parts beyond the fabric (e.g., rivets, thread, buttons, and/or subcomponents of the zipper assembly) during the relevant four-year statutory time period (hereinafter the "Sub-Class Products").

Class Action Requirements

29. The numerosity requirement of Fed. R. Civ. P. 23(a)(1) is satisfied for each of the foregoing Classes because the members of each Class are so numerous and geographically dispersed that joinder of all Class members is impracticable. Plaintiff currently believes that there are hundreds of thousands of members of each Class located in the State of California.

1 30. Common questions of fact and law exist here, satisfying the
2 requirement of Rule 23(a)(2), including but not limited to:

- 3 a. whether Defendants participated in, or committed the
4 wrongful conduct alleged herein;
5 b. whether Defendants' acts, transactions, or course of
6 conduct constitute the violations of law alleged herein;
7 c. whether the members of the Class and the Sub-Class
8 sustained and/or continue to sustain damages by reason of
9 Defendants' conduct, and, if so, the proper measure and
10 appropriate formula to be applied in determining such damages;
11 and
12 f. whether the members of the Class and the Sub-Class are
13 entitled to injunctive or other equitable relief.

14 31. Plaintiff's claims are typical of the claims of all other members of the
15 Class and the Sub-Class and involve the same violations of law by Defendants as
16 other Class members' claims. Plaintiff and members of the Class and Sub-Class
17 also sustained damages arising out of Defendants' common course of conduct
18 complained herein. Accordingly, Plaintiff satisfies the "typicality" requirements of
19 Fed. R. Civ. P. 23(a)(3) with respect to the Class and Sub-Class.

20 32. Plaintiff will fairly and adequately protect the interests of the other
21 members of the Class and Sub-Class, and has no interests that are antagonistic to or
22 which conflict with those of the other members of those Classes. Plaintiff is
23 committed to the vigorous prosecution of this action and has retained competent
24 counsel experienced in litigation of this nature to represent her and the other
25 members of the Class and Sub-Class; as such, the requirements of Rule 23(a)(4)
26 are satisfied.

27 33. Absent a representative class action, members of the Class and the
28 Sub-Class would continue to suffer the harm described herein, for which they

1 would have no remedy. Even if separate actions could be brought by individual
2 purchasers, the resulting multiplicity of lawsuits would cause undue hardship and
3 expense for both the Court and the litigants, as well as create a risk of inconsistent
4 rulings and adjudications that might be dispositive of the interests of similarly
5 situated purchasers, substantially impeding their ability to protect their interests,
6 while establishing incompatible standards of conduct for Defendants. The
7 proposed Class, and, respectively, the members of the Sub-Class, thus satisfy the
8 requirements of Fed. R. Civ. P. 23(b)(1).

9 34. Defendants acted or refused to act on grounds generally applicable to
10 Plaintiff and the other members of the Class, and, respectively, the members of the
11 Sub-Class, thereby rendering class certification and injunctive relief with respect to
12 the Class as a whole and the Sub-Class appropriate. Certification under Fed. R.
13 Civ. P. 23(b)(2) is proper in this regard.

14 35. As discussed above, numerous common questions of fact and law
15 exist. These questions predominate over the individual questions presented in this
16 action. The predominance requirement of Rule 23(b)(3) is thus satisfied.

17 36. A class action is the superior method for the fair and efficient
18 adjudication of this controversy, because joinder of all members of the Class, and,
19 respectively, the Sub-Class, is impracticable. Because the damages suffered by
20 individual members of the Class, and, respectively, the Sub-Class, may be
21 relatively small, the expense and burden of litigation would prevent class members
22 from individually redressing the wrongs done to them. Where, as here, the size
23 and nature of individual Class members' claims would allow few, if any, members
24 of those Classes to seek legal redress against Defendants for the wrongs
25 complained of herein, a representative class action is both the appropriate vehicle
26 by which to adjudicate these claims and is essential to the interests of justice.
27 Furthermore, a class action regarding the issues in this action creates no significant
28

1 problems of manageability. The superiority and manageability requirements of
 2 Rule 23(b)(3) are thus satisfied.

3 **FIRST CLAIM FOR RELIEF**

4 **(Violation of California Consumers Legal Remedies Act Against All
 5 Defendants)**

6 37. Plaintiff realleges and incorporates herein by reference all of the
 7 allegations contained in Paragraphs 1 through 36, inclusive, of this complaint as
 8 though fully set forth herein.

9 38. California Civil Code Section 1750 *et seq.* (entitled the Consumers
 10 Legal Remedies Act) provides a list of “unfair or deceptive” practices in a
 11 “transaction” relating to the sale of “goods” or “services” to a “consumer.” The
 12 Legislature’s intent in promulgating the Consumers Legal Remedies Act is
 13 expressed in Civil Code Section 1760, which provides, *inter alia*, that its terms are
 14 to be:

15 [C]onstrued liberally and applied to promote its underlying
 16 purposes, which are to protect consumers against unfair and
 17 deceptive business practices and to provide efficient and
 economical procedures to secure such protection.

18 39. COH apparel products constituted “goods” as defined in Civil Code
 19 Section 1761(a).

20 40. Plaintiff, and Class members, are each a “Consumer” as defined in
 21 Civil Code Section 1761(d).

22 41. Each of Plaintiff’s and Class members’ purchases of COH apparel
 23 products constituted a “transaction” as defined in Civil Code Section 1761(e).

24 42. Civil Code Section 1770(a)(4) and (9) provides that “[t]he following
 25 unfair methods of competition and unfair or deceptive acts or practices undertaken
 26 by any person in a transaction intended to result or which results in the sale or
 27 lease of goods or services to any consumer are unlawful: Using deceptive
 28 representations or designations of geographic origin in connection with goods or

services [and] [a]dvertising goods or services with intent not to sell them as advertised.”

43. Defendants violated Civil Code Section 1770(a)(4) and (9) by marketing and representing that their COH apparel products are “Made in the U.S.A.” when they actually contain component parts that are manufactured outside of the United States.

44. It is alleged on information and belief that Defendant's violations of the Consumer's Legal Remedies Act set forth herein were done with awareness of the fact that the conduct alleged was wrongful and were motivated solely for increased profit. It is also alleged on information and belief that Defendants did these acts knowing the harm that would result to Plaintiff and that Defendants did these acts notwithstanding that knowledge.

45. As a direct and proximate result of Defendants' violations of the Consumers Legal Remedies Act, Plaintiff and Class members are entitled to the following remedies as against Defendants: (a) a declaration that Defendants violated the Consumers Legal Remedies Act, and (b) an injunction preventing Defendants' unlawful actions.

46. Plaintiff suffered an “injury in fact” because Plaintiff’s money was taken by Defendants as a result of Defendants’ false “Made in the U.S.A.” claims set forth on the COH apparel products.

SECOND CLAIM FOR RELIEF

(Violation of Business & Prof. Code Section 17200 *Et Seq.* Against All Defendants)

47. Plaintiff realleges and incorporates herein by reference all of the allegations contained in Paragraphs 1 through 46, inclusive, of this complaint as though fully set forth herein.

1 48. Business & Professions Code section 17200 *et seq.* provides that
2 unfair competition means and includes “any unlawful, unfair or fraudulent business
3 act or practice and unfair, deceptive, untrue or misleading marketing.”

4 49. By and through their conduct, including the conduct detailed above,
5 Defendants engaged in activities which constitute unlawful, unfair, and fraudulent
6 business practices prohibited by Business & Professions Code Section 17200 *et*
7 *seq.* Beginning at an exact date unknown as yet and continuing up through the
8 present, Defendants committed acts of unfair competition, including those
9 described above, by engaging in a pattern of “unlawful” business practices, within
10 the meaning of Business & Professions Code Section 17200 *et seq.*, by
11 manufacturing, distributing, and marketing COH apparel products with a false
12 country of origin designation and violating Section 17533.7 by falsely claiming
13 that the products referenced herein are “Made in U.S.A.” when they actually
14 contain component parts manufactured *outside of the United States*.

15 50. Beginning at an exact date unknown as yet and continuing up through
16 the present, Defendants committed acts of unfair competition that are prohibited by
17 Business and Professions Code section 17200 *et seq.* Defendants engaged in a
18 pattern of “unfair” business practices that violate the wording and intent of the
19 statutes, by engaging in practices that threaten an incipient violation of law or
20 violate the policy or spirit of laws because their effects are comparable to or the
21 same as a violation of the law by manufacturing, distributing, and marketing their
22 COH apparel products with a false country of origin designation, and by violating
23 Section 17533.7 by falsely claiming that their COH apparel products referenced
24 herein are “Made in the U.S.A.” when they actually contain component parts
25 manufactured outside of the United States.

26 51. Alternatively, Defendants engaged in a pattern of “unfair” business
27 practices that violate the wording and intent of the statutes, by engaging in
28 practices that are immoral, unethical, oppressive or unscrupulous, the utility (if

1 any) of which conduct is far outweighed by the harm done to consumers and public
2 policy by manufacturing, distributing, marketing, and advertising COH apparel
3 products with the false claim that the products referenced herein are "Made in the
4 U.S.A."

5 52. Alternatively, Defendants engaged in a pattern of "unfair" business
6 practices that violate the wording and intent of the statutes, by engaging in
7 practices, including manufacturing, distributing, marketing, and advertising COH
8 apparel products with the false claim that the products referenced herein are "Made
9 in the U.S.A.," wherein: (1) the injury to the consumer was substantial; (2) the
10 injury was not outweighed by any countervailing benefits to consumers or
11 competition; and (3) the injury was of the kind that the consumers themselves
12 could not reasonably have avoided.

13 53. Beginning at an exact date unknown as yet and continuing up through
14 the present, Defendants committed acts of unfair competition, including those
15 described above, prohibited by Business and Professions Code section 17200 *et*
16 *seq.* by engaging in a pattern of "fraudulent" business practices within the meaning
17 of Business & Professions Code section 17200 *et seq.*, by manufacturing,
18 distributing, and marketing COH apparel products with a false country of origin
19 designation and violating Section 17533.7 by falsely claiming that the products
20 referenced herein are "Made in U.S.A."

21 54. Defendant engaged in these unlawful, unfair, and fraudulent business
22 practices for the primary purpose of collecting unlawful and unauthorized monies
23 from Plaintiff and all others similarly situated; thereby unjustly enriching
24 Defendants.

25 55. As a result of the repeated violations described herein, Defendants
26 received and continue to receive unearned commercial benefits at the expense of
27 their competitors and the public.
28

56. Defendants' unlawful, unfair, and fraudulent business practices presents a continuing threat to the public in that Defendants continues to engage in unlawful conduct.

57. Such acts and omissions are unlawful and/or unfair and/or fraudulent and constitute a violation of Business & Professions Code section 17200 *et seq.* Plaintiff reserves the right to identify additional violations by Defendants as may be established through discovery.

58. As a direct and legal result of their unlawful, unfair, and fraudulent conduct described herein, Defendants have been and will be unjustly enriched by the receipt of ill-gotten gains from customers, including Plaintiff, who unwittingly provided money to Defendants based on Defendants' fraudulent country of origin designation.

59. Plaintiff suffered an “injury in fact” because Plaintiff’s money was taken by Defendants as a result of Defendants’ false “Made in the U.S.A.” claims set forth on the COH apparel products.

60. In prosecuting this action for the enforcement of important rights affecting the public interest, Plaintiff seeks the recovery of attorneys' fees, which is available to a prevailing plaintiff in class action cases such as this.

THIRD CLAIM FOR RELIEF

(Violation of Business & Professions Code § 17533.7 Against All Defendants)

61. Plaintiff realleges and incorporates herein by reference all of the allegations contained in Paragraphs 1 through 60, inclusive, of this complaint as though fully set forth herein.

62. Business & Professions Code Section 17533.7 provides:

It is unlawful for any person, firm, corporation or association to sell or offer for sale in this State any merchandise on which merchandise or on its container there appears the words "Made in U.S.A." "Made in America," "U.S.A.," or similar words when the

1 merchandise or **any article, unit, or part thereof**, has
2 been entirely or substantially made, manufactured, or
3 produced outside of the United States. (Emphasis
added).

4 63. Defendants (both COH and Macy's) violated Business & Professions
5 Code Section 17533.7 by selling and offering to sell merchandise in the State of
6 California with the "Made in the U.S.A." country of origin designation as fully set
7 forth herein. The merchandise at issue in this case actually contains component
8 parts that are manufactured outside of the United States in violation of California
9 and federal law.

10 64. It is alleged on information and belief that Defendants' violations of
11 Business & Professions Code Section 17533.7 were done with awareness of the
12 fact that the conduct alleged was wrongful and were motivated solely for increased
13 profit. It is also alleged on information and belief that Defendants did these acts
14 knowing the harm that would result to Plaintiff and that Defendants did these acts
15 notwithstanding that knowledge.

16 65. As a direct and proximate result of Defendants' violations of Business
17 & Professions Code Section 17533.7, Plaintiff and Class members are entitled to
18 restitution of excess monies paid to Defendants by Plaintiff and Class members
19 relating to the false "Made in the U.S.A." claims on Defendants' COH apparel
20 products.

21 66. Plaintiff suffered an "injury in fact" because Plaintiff's money was
22 taken by Defendants as a result of Defendants' false "Made in the U.S.A." claims
23 set forth on the COH apparel products.

24 67. In prosecuting this action for the enforcement of important rights
25 affecting the public interest, Plaintiff seeks the recovery of attorneys' fees, which
26 is available to a prevailing plaintiff in class action cases such as this.

27 **PRAYER**

28 WHEREFORE, Plaintiffs, on behalf of themselves, collectively on behalf of

1 the Class, and respectively on behalf of the Sub-Class, respectfully request the
2 following relief:

3 1. That the Court determine that this action may be maintained as a class
4 action by certifying this case as a California class action as to both the Class and
5 Sub-Class;

6 2. That the Court certify Plaintiff to serve as a class representative in this
7 case;

8 3. That Defendants' wrongful conduct alleged herein be adjudged and
9 decreed to violate the consumer protection statutory claims asserted herein;

10 4. That Plaintiff and each of the other members of the Class and each of
11 the Sub-Class recover the amounts by which Defendants have been unjustly
12 enriched;

13 5. That Defendants be enjoined from continuing the wrongful conduct
14 alleged herein and required to comply with all applicable law;

15 6. That Plaintiff and each of the other members of the Class and each of
16 the Sub-Class recover their costs of suit, including reasonable attorneys' fees and
17 expenses as provided by law; and

18 7. That Plaintiff and each of the other members of Class and each of the
19 Sub-Class be granted such other and further relief as the nature of the case may
20 require or as this Court deems just and proper.

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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38, Federal Rules of Civil Procedure, Plaintiff hereby
3 demands a trial by jury with respect to all issues triable to a jury.

4 Dated: June 9, 2014

Respectfully submitted,

5 DEL MAR LAW GROUP, LLP

6

7 By:/s/John H. Donboli _____

8 John H. Donboli

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12 Attorneys for: LOUISE CLARK, an
13 individual and on behalf of all others
14 similarly situated